

(Open Court)

(14)

CENTRAL ADMINISTRATIVE TRIBUNAL

ALLAHABAD BENCH, ALLAHABAD

ALLAHABAD this the 3rd day of January, 2001.

C O R A M :- Hon'ble Mr. Rafiq Uddin, Member- J.

Original Application No. 1111 of 1996

Brija Nand Tiwari, A/a 38 years

S/o Late Sahabzada Tiwari, R/o Vill. & Post BhedaPakad
Distt. Deoria

.....Applicant

Counsel for the applicant :- Sri Rakesh Verma

V E R S U S

1. Union of India through the Secretary,
Ministry of Communication, New Delhi.
2. The Senior Superintendent of Post Offices,
Deoria Division, Deoria.
3. The Chief Post Master General,
U.P. Region, Lucknow.

.....Respondents

Counsel for the respondents:- Km. Sadhana Srivastava

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O R D E R (oral)

(By Hon'ble Mr. Rafiq Uddin, J.M.)

The father of the applicant Late Sahabzada
 Branch
 Tiwari was working as Extra Departmental/Post Master
 Vill. Bheda Pakad, Distt. Deoria in regular and
 substantive capacity under the control of the Sr.
 Superintendent of Post Offices, Deoria Division,
 Deoria (respondent No. 2). The father of the applicant
 died on 11.08.94 at the age of 60 years while working
 in the aforesaid capacity. The applicant is only VIII
 class pass whereas as per rules qualification for the
 post of E.D.B.P.M is High School certificate. The
 application of the applicant for appointment on
 compassionate ground in place of his father has been
 rejected by the respondents on the same ground that
 the applicant does not fulfill the educational
 qualification for the post of E.D.B.P.M. The applicant
 has therefore, filed this O.A for issuing direction
 to the respondents for quashing the order dt. 19.06.96
 rejecting the application of the applicant and
 refusing the appointment on compassionate ground. It
 is further sought that the respondents be directed to
 appoint the applicant on the post of E.D.B.P.M after
 relaxing educational qualification or to consider his
 case for appointment on any suitable post for which
 the qualification of 8th class is prescribed under the
 rules.

2. I have heard the parties counsel and
 perused the records.

3. The facts of the case are not disputed. The
 application of the applicant for appointment on
 compassionate ground on the post of E.D.B.P.M has been

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rejected on the ground that the applicant does not possess required qualification. The learned counsel for the applicant is however, urges that the respondents may be directed to consider the case of the applicant for appointment on any other suitable post namely E.D.D.A/ E.D.M.C, and E.D Stamp Vendors etc. Since there is provision for appointment on compassionate ground under the E.D Rules .

4. I consider it ~~necessary~~ reasonable to issue a direction to the respondents to consider the case of the applicant for appointment on any suitable post for which qualification of 8th class is prescribed. Accordingly the applicant is directed to move ~~properly~~ application before respondents for seeking appointment ^{for the post} on compassionate ground to which he is eligible. The respondents will consider and pass the order within a period of three months from the date of receipt of such representation.

5. There will be no order as to costs.

Ranjan Reddy
Member- J.

/Anand/